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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS STEED,

NOT FOR PUBLICATION

Petitioner,

MEMORANDUM
AND ORDER

-against-

10-CV-2345 (RJD)

SUPERINTENDENT, UPSTATE
CORRECTIONAL FACILITY,

Respondent.

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DEARIE, Ch. J.

By order dated June 4, 2010, the Court directed petitioner Thomas Steed, appearing *pro se*, to show cause why this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 filed by letter dated April 28, 2010 should not be dismissed as time-barred pursuant to the one year statute of limitations under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"). In response, petitioner wrote to the Court seeking to have "this matter complete/dismissed as 'time-barred'" (see docket entry #5). The Court liberally construes this letter as a voluntary dismissal of this petition as time-barred.

Accordingly, petitioner's request is GRANTED and this petition is dismissed as time-barred. 28 U.S.C. § 2244(d). As this petition presents no "substantial showing of the denial of a constitutional right," a certificate of appealability shall not issue. 28 U.S.C. § 2253(c). The Court certifies pursuant to 28 U.S.C. § 1915(a) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* is denied for the purpose of any appeal.

SO ORDERED.

s/ Judge Raymond J. Dearie

Raymond J. Dearie
United States District Judge

Dated: Brooklyn, New York

June 22, 2010